

## DETAILED ACTION

### *Response to Communication(s)*

1. This Office Action is in response to the Amendment/Arguments filed on July 9<sup>th</sup>, 2009. Claims 2-4, 10-13, 15-18, 20-22, 25-29, 31-34, 37-38 and 40-46 are now canceled. Claims 1, 5-9, 14, 19, 23-24, 30, 35-36, 39 and 47 are now pending in the application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Alfred A. Fressola (Reg. No. 27,550) on 02/18/2010.

The application has been amended as follows:

#### IN THE CLAIM:

The following change to the claims 23, 30 and 35 has been approved by the examiner and agreed upon by applicant:

#### Claim 23

- line 1, -- non-transitory -- has been inserted before "computer readable medium".

#### Claim 30

- line 1, -- non-transitory -- has been inserted before "computer readable medium".

#### Claim 35

- line 7, "an encapsulator" has been changed to -- a multiprotocol encapsulation encapsulator --.

***Response to Amendment/Arguments***

3. The previous Office action has been withdrawn in light of the applicant's amendment/arguments filed on 07/09/2009 (see REMARKS, pages 10-11).

***Allowable Subject Matter***

4. Claims 1, 5-9, 14, 19, 23-24, 30, 35-36, 39 and 47 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

The Applicants' comments/arguments in the outstanding response filed 07/09/2009 have been fully appreciated and considered. The prior art of record, considered individually or in combination, does indeed fail to fairly show or suggest the claimed network element (claims 35 and 36), transmitter (claim 39), non-transitory computer readable medium (claim 23) and method (claim 1 and 19), which comprises "providing a copy of some of the service information data; providing forward error correction 'FEC' data for the copy; and transmitting the copy and the FEC data via a second, different set of channels; wherein the copy of some of said service information data comprises a first plurality of data packets and the FEC data comprises a second plurality of data packets and wherein the method further comprises placing the first plurality of data packets in a first plurality of sections and placing the second plurality of data packets in a second plurality of sections." structurally and functionally interconnected with other limitations in a manner as recited in claims 5-9 and 14.

Substantially regarding claims 24 and 30, the prior art of record also fails to show the non-transitory computer readable medium (claim 30) and method (claim 24) to receive FEC and copy of service information transmitted in the same manner set forth in claim 1.

Substantially regarding claim 47, the prior art of record also fails to show the method (claim 47) to transmit FEC and copy of service information data in the same manner set forth in claim 1 with parameter(s).

5. References US 2006/0107169 A1 and US 2009/0052585 A1 are cited because they are put pertinent to improve the transmission error in the telecommunication network. However, none of references teach details as recited in claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

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/Tri H. Phan/  
Primary Examiner, Art Unit 2471

February 25, 2010